

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-39 are pending in this application. Claims 1-3, 6, 26, 27, 32, and 33 have been amended to avoid any “means-plus-function” interpretation under the sixth paragraph of 35 U.S.C. §112 as to the amended limitations. Claim 38 has been amended to insure the presentation of method steps. The support for these amendments is believed to be self evident from the originally filed versions of these claims. Accordingly, no new matter has been introduced.

The outstanding Office Action includes a rejection of Claims 1 and 30 under 35 U.S.C. § 102(e) as being anticipated by Gill (U.S. Patent No. 6,515,838).

Initially, Applicants acknowledge with appreciation the allowance of Claims 32-39 and the indication that Claims 2-29 and 31 are only objected to as being dependent on a rejected base claim , but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, as it is believed that base Claim 1 should be considered to patentably define over Gill, the rejection of Claims 1 and 30 over Gill has been traversed below.

Before considering the rejection made as to Claims 1 and 30 based upon Gill, it is believed that a brief review of the subject matter of base Claim 1 would be helpful. In this regard, this claimed subject matter is directed to a magnetic memory device that includes a magneto-resistance effect element with a magnetic sensitive layer whose magnetization direction changes according to an applied external magnetic field. A write line to which a write current is supplied is provided to apply the external magnetic field to the magnetic sensitive layer and a write current drive circuit including a current direction control section is provided for controlling the direction of the write current in the write line. A current amount

control section is also provided to control the amount of the write current in the write line to be a constant value.

Turning to the rejection of Claims 1 and 30 under 35 U.S.C. § 102(e) as being anticipated by Gill (U.S. Patent No. 6,515,838), it is noted that it is clear that Gill does not disclose a “magnetic memory device,” contrary to the assertion at page 3 of the outstanding action. The subject matter taught by Gill is that of a spin valve transducer for reading information from a magnetic medium as stated at col. 1, numbered lines 8-12. While this spin valve transducer includes providing a magneto-resistance change responsive to a magnetic signal recorded in the magnetic medium, there is no teaching or suggestion that line 328 of Fig. 4 is “a write line to which a write current is supplied to apply the external magnetic field to the magnetic sensitive layer” contrary to the assertion at page 3 of the outstanding Action.

In this regard, Fig. 4 clearly shows 328 as a “POSITION CONTROL” line that applies an output from “CONTROL UNIT” 329 to VCM 327. Col. 6, lines 21-26 note that “POSITION CONTROL” signals of Fig. 4 are “head position and seek control signals” to move and position the slider 313. As explained at col. 5, line 50 – col. 6, line 5, these “head position and seek control signals” are supplied by controller 329 to the actuator (voice coil motor (VCM)) 327 to move the slider 313 by moving the actuator arm 319 attached to slider 313 to provide head 321 access to different portions of a magnetic disk 312. Thus, it is inaccurate and unreasonable to suggest that line 328 of Fig. 4 is “a write line to which a write current is supplied to apply the external magnetic field to the magnetic sensitive layer” In addition, the assertion at page 3 of the outstanding Action that “CONTROL UNIT” 329 of Fig. 4 of Gill can be reasonably read as to the Claim 1 required write current drive circuit that includes a “current direction control section for controlling the direction of the write current in said write line and a current amount control section for controlling the amount of the write

current in said write line to a constant value” is also inaccurate and unreasonable. Nowhere does Gill teach or suggest that the above-noted “head position and seek control signals” being supplied by controller 329 to line 328 are controlled in terms of any particular “direction,” much less being controlled to have “a constant value” as required by Claim 1. If the PTO is to continue to insist that Gill can be reasonably read as teaching the Claim 1 required write current drive circuit that includes a “current direction control section for controlling the direction of the write current in said write line and a current amount control section for controlling the amount of the write current in said write line to a constant value,” court precedent requires the PTO to specifically where this limitation is taught by Gill. See In re Rijckaert, 9 F. 3d 1531, 1533, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (“When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference.”).

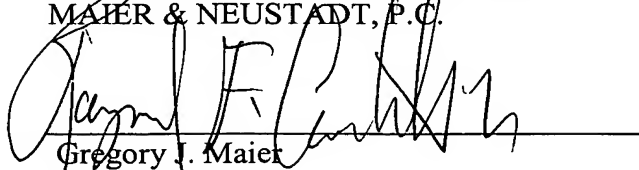
As Claim 30 depends on Claim 1, it is believed to patenably define over Gill for at least the same reasons that parent Claim 1 does. In addition, the free and pinned layers of Fig. 5 are taught by Gill to be part of the same magneto-resistance transducer, not the Claim 30 storage cell that “comprises a pair of the magneto-resistance effect elements.” Accordingly, Claim 30 is believed to patenably define over Gill for this reason as well as because of its dependency on Claim 1.

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As no other issues are believed to remain outstanding relative to this application, it is believed to be clear that this application is in condition for formal allowance and an early and favorable action to this effect is, therefore, respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

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